

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

THE CITY OF BRISTOL, TENNESSEE,)

Plaintiff,)

v.)

THE CITY OF BRISTOL, VIRGINIA,)

Defendant.)

Case No.: 1:22-cv-00023-JPJ

STATUS REPORT

Pursuant to this Court's October 11, 2022, Order, the City of Bristol, Virginia (Bristol VA) provides (1) the status of the application of intermediate cover, and (2) a detailed timeline on the progress of the installation of a dedicated temperature monitoring system.

Bristol VA Completed Its Efforts to Install Intermediate Cover Before the October 10, 2022, Deadline

Bristol VA completed the Court's requirement to install intermediate cover sufficient to meet the requirements of Virginia Solid Waste Management Regulations (9 VAC § 20-81-140.B.1.d) over the Landfill. Bristol VA invited Bristol TN to inspect the Landfill regarding the installation of cover. The inspection took place on October 11, 2022. (**See Declaration of Randall Eads, contemporaneously filed herewith as ECF 50.**)

Bristol VA has Continued Efforts to Install a Dedicated Temperature Monitoring System

Bristol VA has made significant progress in the installation of a dedicated temperature monitoring system. (**Declaration of Randall Eads, ECF 50.**) On September 26, 2022, the city received two responsive bids to the project and selected Connelly and Associates, Inc. to do the

work. Bristol VA, working with SCS Engineers and Connelly and Associates, ordered the well casing pipe by October 7, 2022, and will order the temperature probes on October 14, 2022. The well casing pipe is due to arrive at the Landfill on November 1, 2022, and the temperature probes are scheduled to arrive in late November, 2022. Connelly and Associates will mobilize and set up equipment near the end of October and commence borehole drilling on October 27, 2022. Drilling the boreholes will take approximate five to six weeks. The drilling and installation of the well casing pipe should be completed a week or so after the arrival of the temperature probes. Absent any unforeseen problems with the drilling in the waste mass, delays due to inclement weather, or delays in the supply chain for the delivery of the well casing pipe or the temperature probes, the installation of the dedicated temperature monitoring system should be completed by December 31, 2022.

Dated: October 13, 2022

Respectfully submitted,

THE CITY OF BRISTOL, VIRGINIA

/s/ Christian E. Henneke
John D. Adams (VSB 65203)
Justin D. Howard (VSB 94108)
Erin B. Ashwell (VSB 79538)
Christian E. Henneke (VSB 45457)
McGuireWoods LLP
Gateway Plaza
800 E Canal Street
Richmond, VA 23219
(804) 775-1000 (telephone)
(804) 775-1061 (fax)
jadams@mcguirewoods.com
jhoward@mcguirewoods.com
eashwell@mcguirewoods.com
chenneke@mcguirewoods.com

*Counsel for Defendant, The City of Bristol,
Virginia*

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2022, I caused the foregoing to be filed with the Clerk of the U.S. District Court for the Western District of Virginia using the Court's CM/ECF system, which will electronically serve copies of the same on counsel for all parties.

/s/ Christian E. Henneke

Counsel for Defendant The City of Bristol, Virginia